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November 30, 2005

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RECEIVED

NOV 30 2005

VIA HAND DELIVERY AND ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

Re: **TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST**
MB Docket No. 05-317
Scripps Howard Broadcasting Company
WCPO-DT, Cincinnati, OH (Facility ID 59438)

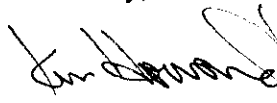
Dear Ms. Dortch:

Scripps Howard Broadcasting Company, licensee of broadcast television station WCPO-DT, Cincinnati, Ohio, hereby respectfully requests a waiver as contemplated by Section 339(a)(2)(D) of the Satellite Home Viewer Extension and Reauthorization Act of 2004, 47 U.S.C. § 339(a)(2)(D), to prevent digital signal testing intended to establish eligibility to receive distant digital network signals from satellite carriers.

This waiver is sought pursuant to Section 339(a)(2)(D)(vii)(IV), on the ground that "the station experiences a substantial decrease in its digital signal coverage area due to the necessity of using a side-mounted antenna." The attached Engineering Statement prepared by John F.X. Browne & Associates, P.C., provides the necessary supporting documentation.

Accordingly, Scripps Howard Broadcasting Company respectfully requests that the FCC grant the foregoing request for waiver. If further information is required, please contact the undersigned.

Sincerely,



Kenneth C. Howard, Jr.
Counsel to Scripps Howard Broadcasting Co.

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List A B C D E

Ms. Marlene Dortch
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Attachment

cc: Nazifa Sawez, FCC (Room 2-A726)
WCPO Public Inspection File



ENGINEERING STATEMENT
IN SUPPORT OF
TELEVISION STATION SECTION 339(a)(2)(D)(vii) WAIVER REQUEST
MB DOCKET No. 05-317
SCRIPPS HOWARD BROADCASTING
WCPO
CINCINNATI, OH
NOVEMBER 30, 2005

Scripps Howard (Scripps) is the licensee of WCPO-DT which operates on Channel 10 at Cincinnati, OH and has certified to its "replication" facility. The WCPO-DT licensed facility (File #BLCDT20041230ACA) is presently authorized to operate with an ERP of 16.3 kW at an HAAT of 272m. The WCPO allotment ("replication" facility which has been certified-to by WCPO) specifies an ERP of 15.4 kW at an HAAT of 305m. Presently, the WCPO licensed analog antenna is located on the top of the tower at an HAAT of 305m and WCPO cannot move its DTV antenna to the height necessary to achieve the certified DTV HAAT until its analog antenna is removed.

In June 2005, Scripps filed a request for waiver of the July 1, 2005 "use-it-or-lose-it" deadline for construction of "full" certified facilities for WCPO-DT. Due to the side-mounted configuration of the WCPO DTV antenna, WCPO will experience a substantial decrease of approximately 169 sq. km (0.86%) in its digital signal coverage area within its DMA boundaries. The area that will not be served by the station during the DTV transition is depicted on the attached map.



Therefore, given the above information, Scripps is requesting a waiver for WCPO of the satellite subscriber digital signal testing requirements of Satellite Home Viewer Extension and Reauthorization Act of 2004.

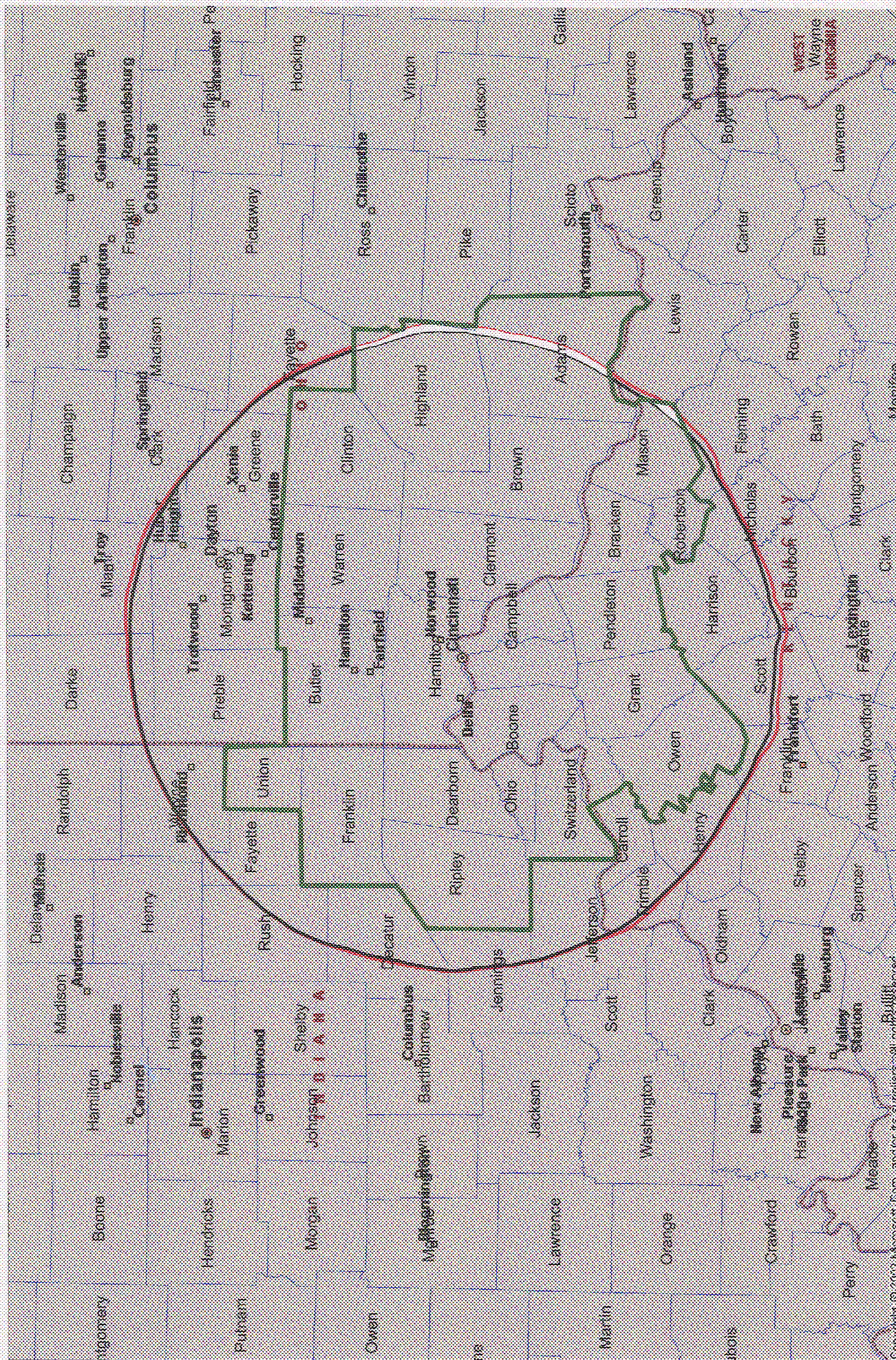
Certification

I hereby certify that the foregoing report or statement was prepared by me but may include work performed by others under my supervision or direction. The statements of fact contained therein are believed to be true and correct based on personal knowledge, information and belief unless otherwise stated; with respect to facts not known of my own personal knowledge, I believe them to be true and correct based on their origin from sources known to me to be generally reliable and accurate. I have prepared this document with due care and in accordance with applicable standards of professional practice.

John F.X. Browne, P.E.

Attached: Map

Area Not Served by WCPO During DTV Transition



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- Red - WCPO "Certified" Facility
- Black - WCPO Existing (Transition) Facility
- Green - Outline of DMA Counties
- White Areas - Areas not served by WCPO during DTV transition